

conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this chapter shall be punished as provided by section 88 of Title 18. (June 15, 1917, ch. 30, title I, § 4, 40 Stat. 219.)

**§ 35. Harboring, or concealing violators of law.**

Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this chapter shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000. (June 15, 1917, ch. 30, title I, § 5, 40 Stat. 219; Mar. 28, 1940, ch. 72, § 2, 54 Stat. 79.)

**§ 36. Designation of prohibited places by proclamation.**

The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection (a) of section 31 of this title in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purposes of this chapter: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense. (June 15, 1917, ch. 30, title I, § 6, 40 Stat. 219.)

**§ 37. Places subject to provisions of chapter.**

The provisions of this chapter shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this chapter when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder. (June 15, 1917, ch. 30, title I, § 8, 40 Stat. 219.)

**§ 38. Jurisdiction of courts-martial and military commissions.**

Nothing contained in this chapter or chapter 12 of this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under chapter 36 of Title 10 and chapter 21 of Title 34. (June 15, 1917, ch. 30, title I, § 7, 40 Stat. 219.)

**§ 39. Jurisdiction of courts of Canal Zone and Philippine Islands of offenses on high seas.**

The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this chapter and chapter 12 of this title committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this chapter and chapter 12 of this title committed upon the high seas, and of conspiracies to commit such offenses, as defined by section 88 of Title 18, and the provisions of said section, for the purpose of this chapter and chapter 12 of this title, are hereby extended to the Philippine Islands and to the Canal Zone. In such cases the district attorneys of the Philippine Islands and of

the Canal Zone shall have the powers and perform the duties provided in this chapter for United States attorneys. (June 15, 1917, ch. 30, title XIII, § 2, 40 Stat. 231.)

**§ 40. "United States" defined.**

The term "United States" as used in this chapter and chapter 12 of this title includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States. (June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231.)

**§ 41. "Foreign government" defined.**

The words "foreign government", as used in this chapter, shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government. (June 15, 1917, ch. 30, title VIII, § 4, 40 Stat. 226.)

**§ 42. Effect of partial invalidity of chapter.**

If any clause, sentence, paragraph, or part of this chapter or of chapter 12 of this title shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (June 15, 1917, ch. 30, title XIII, § 4, 40 Stat. 231.)

**Chapter 4A.—PHOTOGRAPHING, SKETCHING, MAPPING, ETC., DEFENSIVE INSTALLATIONS**

**Sec.**

45. Photographing, etc., defensive installations regulated; penalties.

45a. Photographing, etc., from aircraft.

45b. Reproducing, publishing, selling, etc., uncensored copies.

45c. "Aircraft," "post," "camp," and "station" defined.

45d. Geographical application of law.

**§ 45. Photographing, etc., defensive installations regulated; penalties.**

Whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (Jan. 12, 1938, ch. 2, § 1, 52 Stat. 3.)

DEFINING CERTAIN VITAL MILITARY AND NAVAL INSTALLATIONS AND EQUIPMENT

Ex. Ord. No. 8381, Mar. 22, 1940, 5 F. R. 1147, 54 Stat. —.  
Whereas section 1 of the act of January 12, 1938, 52 Stat. 3, [Title 50, § 45] provides:

Now, Therefore, by virtue of the authority vested in me by the foregoing statutory provisions, and in effectuation of the purposes of the said act of January 12, 1938, I hereby define the following as vital military and naval installations or equipment requiring protection against the general dissemination of information relative thereto:

1. All military or naval installations and equipment which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all military or naval installations and equipment which may hereafter be so classified, designated, and marked with the approval or at the direction of the President, and located within:

(a) Any military or naval reservation, post, arsenal, proving ground, range, mine field, camp, fort, yard, station, district, or area.

(b) Any defensive sea area heretofore or hereafter established and existing under authority of section 44 of the United States Criminal Code, as amended by the act of March 4, 1917, 39 Stat. 1194 (U. S. C., Title 18, sec. 96).

(c) Any airspace reservation heretofore or hereafter established and existing under authority of section 4 of the Air Commerce Act of 1926 (44 Stat. 570, U. S. C., Title 49, sec. 174).

(d) Any naval harbor closed to foreign vessels

(e) Any area required for fleet purposes.

(f) Any commercial establishment engaged in the development or manufacture of military or naval arms, munitions, equipment, designs, ships, or vessels for the United States Army or Navy.

3. All military or naval aircraft, weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in the possession of the Army or Navy, or in the course of experimentation, development, manufacture, or delivery for the Army or Navy, which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all such articles, materials, or equipment which may hereafter be so classified, designated, and marked with the approval or at the direction of the President.

3. All official military or naval books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications, which are now marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all such articles or equipment which may hereafter be so marked with the approval or at the direction of the President.

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§ 45a. Photographing, etc., from aircraft.

Any person who uses or permits or procures the use of an aircraft for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of section 45 of this title, shall be liable to the penalty therein provided. (Jan. 12, 1938, ch. 2, § 2, 52 Stat. 3.)

§ 45b. Reproducing, publishing, selling, etc., uncensored copies.

On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under section 45 of this title, it shall be unlawful for any person to reproduce, publish, sell, or give away any photograph, sketch, pic-

ture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority. Any person found guilty of a violation of this section shall upon conviction be punished as provided in section 45 of this title. (Jan. 12, 1938, ch. 2, § 3, 52 Stat. 3.)

§ 45c. "Aircraft," "post," "camp," and "station" defined.

The term "aircraft" as used in sections 45-45d of this title means any contrivance known or hereafter invented, used, or designed for navigation or flight in the air. The expression "post, camp, or station" as used in said sections shall be interpreted to include naval vessels, military and naval aircraft, and any separate military or naval command. (Jan. 12, 1938, ch. 2, § 4, 52 Stat. 4.)

§ 45d. Geographical application of law.

The provisions of sections 45-45d of this title shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States, whether contiguous thereto, or not and offenses under said sections when committed upon or over the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder. (Jan. 12, 1938, ch. 2, § 5, 52 Stat. 4.)

Chapter 5.—ARSENALS, ARMORIES, ARMS, AND WAR MATERIAL GENERALLY

ARSENALS, ARMORIES, ARMS, AND WAR MATERIALS

Sec.

- 51, 52. Pay of master armorer and clerks at Springfield Armory.
53. Annual accounts of arms made and repaired.
54. Account of cost of type and experimental manufacture of guns, and so forth.
55. Abolition of useless or unnecessary arsenals.
56. Misconduct of workmen in armories.
57. Exemption of workmen from jury service.
58. Rewards for suggestions by employees.
59. Testing rifled cannon for Navy.
60. Transfer of naval ordnance to War Department.
61. Arms and ammunition issued to protect public property; reimbursement of War Department.
62. Loan of rifles to organizations of honorably discharged soldiers, and so forth.
- 62a. Loans of ordnance to schools and State homes for veterans' orphans.
- 62b. Loss of rifles loaned to organizations of honorably discharged soldiers, etc.; relief from liability on bonds.
- 62c. Donation of Army equipment to posts of American Legion.
63. Sales of ordnance property to schools and State homes for veterans' orphans.
64. Sale of obsolete small arms to patriotic organizations.
65. Sale of ordnance to designers.
66. Issue of condemned ordnance to State homes for soldiers and sailors.
67. Loan or gift of condemned or obsolete equipment.
68. Sale of obsolete ordnance for public parks.
69. Sale of individual pieces of armament.
70. Sale of ordnance property to Navy, Marine Corps, and Coast Guard officers.